

SENATE BILL 1304

By Woodson

AN ACT to amend Tennessee Code Annotated, Title 3,
Chapter 17, Part 1, relative to charitable gaming.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 3-17-103(a)(1), is amended by adding the following language as a new subdivision:

(F) Notwithstanding any provision of this chapter to the contrary, within fifteen (15) calendar days after this act becomes law, for the annual event period beginning July 1, 2007, and ending June 30, 2008.

SECTION 2. Tennessee Code Annotated, Section 3-17-103(a)(3)(B)(i), is amended by deleting the language "provided, that" and by substituting instead the language "or".

SECTION 3. Tennessee Code Annotated, Section 3-17-103(a)(3)(B), is amended by adding the following language as new subdivision:

(iv) Notwithstanding any provision of this chapter to the contrary, a §501(c)(3) organization authorized to conduct an annual event during the 2006-2007 annual event period may change the location of the annual event if the location listed on the annual event application is subsequently unavailable during the time in which the annual event was to be conducted and if the following conditions are satisfied:

(a) Written notice is give to the Secretary of State, Tennessee bureau of investigation, and district attorney for the judicial district in which the annual event is to be conducted stating that the listed location is unavailable, the reason for unavailability, and the new location;

(b) Sufficient public notice is given by means of posting notice on the organization's web site or by publication in a newspaper of general circulation in the county in which the annual event will be conducted; and

(c) The new location complies with § 3-17-103(a)(B)(iii).

SECTION 4. Tennessee Code Annotated, Section 3-17-103(a), is amended by deleting subdivision (6)(B) in its entirety and by substituting instead the following:

(B) A § 501(c)(3) organization that fails to return at least twenty-five percent (25%) of gross proceeds from the annual event to the purposes or programs described in § 3-17-104(a)(19) in any year shall file notice with the secretary on a form prescribed by the secretary. If, in the sound discretion of the secretary, the organization was not at fault in failing to return the required percentage, the organization shall be allowed to file an annual event application for the next annual event period. If an organization is not permitted by the secretary to file an event application pursuant to this subdivision (a)(6)(B), the organization may request a review and appeal pursuant to the procedures set forth in § 3-17-105(g) and § 3-17-105(h)(1)-(5).

SECTION 5. Tennessee Code Annotated, Section 3-17-103(a)(6), is amended by adding the following language as new subdivision:

(C) As used in this subdivision (a)(6), gross proceeds shall not include revenue disclosed as the fair market value of any donated prizes, goods and services.

SECTION 6. Tennessee Code Annotated, Section 3-17-103(b), is amended by adding the following language as a new subdivision:

(4) In addition to the omnibus list transferred to the clerk of the senate and the clerk of the house of representatives by March 1, 2005, the secretary shall transfer an additional omnibus list listing any organizations approved pursuant to subdivision (a)(1)(F) and subsection (f) for the annual event period beginning July 1, 2007, and ending June 30, 2008. The list shall be transferred in a manner consistent with subdivision (b)(1) by twelve o'clock (12:00) noon central daylight time (CDT) within thirty (30) calendar days after this act becomes law.

SECTION 7. Tennessee Code Annotated, Section 3-17-103(f), is amended by deleting subdivision (1)(C) in its entirety and by substituting instead the following:

(C) Within fifteen (15) calendar days after this act becomes law, for the annual event period beginning July 1, 2007, and ending June 30, 2008; and

(D) By December 31, 2007, and by December 31 in subsequent years, for subsequent annual event periods.

SECTION 8. Tennessee Code Annotated, Section 3-17-104(a), is amended by deleting subdivision (7) in its entirety.

SECTION 9. Tennessee Code Annotated, Section 3-17-104(c)(2), is amended by deleting the word "Fees" and by substituting instead the word "Funds".

SECTION 10. Tennessee Code Annotated, Section 3-17-106, is amended by deleting subsection (a) in its entirety and by substituting instead the following language:

(a) An organization authorized by the general assembly to operate an annual event shall file, within ninety (90) days following the actual event date, a financial accounting with the secretary in accordance with the provisions of this section.

SECTION 11. Tennessee Code Annotated, Section 3-17-106(c), is amended by deleting the language "more than thirty thousand dollars (\$30,000)," and by substituting instead the language "more than one hundred thousand dollars (\$100,000),".

SECTION 12. Tennessee Code Annotated, Section 3-17-111, is amended by deleting the section in its entirety and substituting the following:

Section 3-17-111. Any person who is convicted of a violation of §§ 39-16-702 or 39-16-703, or title 39, chapter 17, parts 5 and 6 shall be permanently disqualified from submitting an annual event application.

SECTION 13. Tennessee Code Annotated, Section 3-17-113, is amended by deleting the first sentence of subsection (a) in its entirety and substituting the following:

The secretary may publicly or privately investigate, as the secretary of state deems necessary, any person or organization that the secretary has reason to believe has violated any provision of this chapter.

SECTION 14. This act shall take effect upon becoming a law, the public welfare requiring it.